

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|---|---|------------------|
| ROBERT ROZEHNAL and KELLY : | : | |
| CHOI, Individually and as husband and : | : | |
| | : | Civil Action No. |
| Plaintiff, : | : | |
| | : | |
| v. : | : | |
| | : | |
| RAFAEL BUTO, JB HUNT TRANSPORT, : | : | |
| INC., and ABC CORPORATION 1-10 : | : | |
| | : | |
| Defendants. : | : | |

NOTICE OF REMOVAL

The defendants, RAFAEL BUTO AND J.B. HUNT TRANSPORT, INC. hereby remove this action from the Superior Court, Morris County, New Jersey to the United States District Court for the District of New Jersey.

1. The plaintiffs commenced this action against Rafael Buto and J.B. Hunt Transport, Inc., in the Superior Court of the State of New Jersey, Morris County. A copy of the complaint is attached as **Exhibit A**.

2. The plaintiffs, Robert Rozehnal and Kelly Choi, are citizens of the State of New Jersey and were citizens of the State of New Jersey when this action was started in state court.

3. The defendants are citizens of states other than the State of New Jersey and were citizens of states other than the State of New Jersey when this action was started in state court.

a) Rafael Buto is (and was) a resident of the State of Pennsylvania.

b) J.B. Hunt Transport, Inc. is (and was) a corporation with its principal place of business in the State of Arkansas.

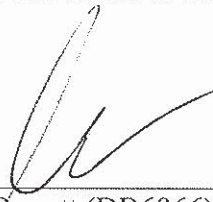
4. The plaintiff seeks damages of more than \$75,000 and sought damages of more than \$75,000 when this action was started in state court.

5. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, because this action—both now and when it was started—is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. The defendant may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the district courts of the United States have original jurisdiction that is brought in a state court

7. All defendants join in the removal of this action to this court.

Dated: New York, New York
March 9, 2011



Derek E. Barrett (DB6866)
RAWLE & HENDERSON, LLP
Attorneys for Defendant
Rafael Buto and J.B. Hunt Transport, Inc.
14 Wall Street, 27th Floor
New York, New York 10005-2101
(212) 323-7070
Our File # 802569

Tepper, Scherling & Berliner, LLC
1570 West Mt. Pleasant Avenue, Suite 101
Livingston, NJ 07039
973-740-9080

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT ROZEHNAL and KELLY :
CHOI, Individually and as husband and :

Plaintiff, :

v. :

RAFAEL BUTO, JB HUNT TRANSPORT, :
INC., and ABC CORPORATION 1-10 :

Defendants. :

Civil Action No.

CERTIFICATE OF SERVICE

I certify that a copy of the Notice of Removal was served upon the attorney of record for the plaintiff, Tepper Scherling & Berliner, LLC via Regular Mail on March 9, 2012.

Dated: March 9, 2012

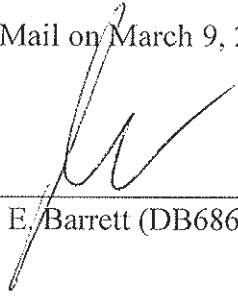

Derek E. Barrett (DB6866)

EXHIBIT A

Copy Ref'd to Ally.

TEPPER, SCHERLING & BERLINER, LLC
570 West Mount Pleasant Avenue
Suite 101..
Livingston, New Jersey, 07039
(973) 740-2380
Attorney for Plaintiff

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SUPERIOR COURT

2012 JAN 20 A 11:04

MORRIS COUNTY
CIVIL DIVISION

ROBERT ROZEHNAL AND KELLY CHOI
Individually and as husband and wife
Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO: *MRS L-150-12*

vs.

CIVIL ACTION

RAFAEL BUTO, JB HUNT TRANSPORT
INC, AND ABC CORPORATION 1-10

COMPLAINT AND JURY DEMAND

Defendant(s)

Plaintiff ROBERT ROZEHNAL residing at 12 North Oak Court, in the City of
Madison, County of Morris, and the State of New Jersey, County of Essex and the
State of New Jersey, against the defendant states:

FIRST COUNT

1. On or about February 11th, 2010 Plaintiff, Robert Rozehnal,
was a operator of a motor vehicle which said motor vehicle was traveling at or
near I 78 Westbound in the, County of Hunterdon and the State of New Jersey
when the collision occurred.
2. At the time and place aforesaid the defendant(s) RAFAEL D. BUTO
AND/OR JB HUNT TRANSPORT INC, were the owner/operator of a motor vehicle
which said motor vehicle was traveling at or near I-78 Westbound in the County
of Hunterdon and the State of New Jersey when the collision occurred.

3. At the time and place aforesaid the defendants did own, operate, maintain and control their respective motor vehicles in a negligent and careless manner so as to cause the motor vehicles to collide.

4. As a result of the negligence and carelessness of the defendants herein, plaintiff was thrown in and about inside the motor vehicle and did sustain severe injuries to his neck, back, and other parts of his body; he was required to expend sums of money in an attempt to cure himself of his injuries; he sustained permanent injuries; he did suffer and will suffer great pain of mind and body in the future; he was unable to continue in his normal course of employment, duties and activities, and he was otherwise injured.

WHEREFORE, Plaintiff, ROBERT ROZEHNAL demands judgment against the defendants, for damages, interest and cost of suit.

SECOND COUNT

1. Plaintiff, repeats all of the allegations of the First Counts as if set forth at length therein.

2. At alltime herein before and hereinafter mentioned, the plaintiff, KELLY CHOI is the spouse of plaintiff, ROBERT ROZEHNAL, and as such is entitled to the services, support, society, companionship and love of her husband.

3. By reasons of the injuries sustained by plaintiff, Robert Rozehnal, and a result of the negligence and carelessness of the defendant(s) herein, the plaintiff, Kelly Choi has been and in the future will be deprived of the support, society, companionship and love of her husband and has been compelled to and did expend various sums of money and sustained loss of various income as a result of the aforesaid negligence of the defendant(s).

WHEREFORE, plaintiff(s) demand judgment against the defendant(s) for damages interest and cost of suit.

THIRD COUNT

1. Plaintiff, repeats and realleges the paragraphs in the First Count as if set forth at length herein.


2. Defendants, JOHN DOES A-Z AND ABC CORP, are fictitious entities, owners and operators of motor vehicles whose identity cannot be ascertained at this time but who may be responsible parties for the aforementioned accident.

3. Plaintiff reserves the right to amend this Complaint to assert the names of said additional tortfeasors as their identities become known with ongoing discovery and information.

4. At the time and place aforesaid the defendant(s) did own, operate, maintain and control their respective motor vehicles in a negligent and careless manner so as to cause the motor vehicles to collided.

5. As a result of the negligence and carelessness the defendant(s) herein, plaintiff was thrown in and about inside the motor vehicle and did sustain severe injuries to his neck, back, and other parts of his body; he was required to expend sums of money in an attempt to cure himself of his injuries; he sustained permanent injuries; he did suffer and will suffer great pain of mind and body in the future; he was unable to continue in his normal course of employment, duties and activities, and he was otherwise injured.

WHEREFORE, plaintiffs demand judgment against the defendants, for damages, interest and costs of suit.

MICHAEL I. BERLINER, ESQ
Attorney for Plaintiff

By: _____
MICHAEL I. BERLINER, ESQ

Dated: 1/18/12

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES INVOLVED HEREIN.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, MICHAEL I. BERLINER, Esq, is designated as trial counsel in this Action.

CERTIFICATION

I as Attorney for plaintiff, in the above entitled matter, certify that all known parties involved in the within action have been named in the within Complaint and I am unaware at this time of any other pending litigation or arbitration proceeding.

MICHAEL I. BERLINER, ESQ
Attorney for Plaintiff

By: 
MICHAEL I. BERLINER, ESQ

DATED:

1/18/12

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CIVIL DIVISION